



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/674,852 Confirmation No. : 5694
First Named Inventor : Axel SCHAMAL
Filed : December 14, 2000
TC/A.U. : 2859
Examiner : Travis Reis
Docket No. : 225/49355
Customer No. : 23911

Title : Device for Determining The Position or Size of a Hole

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appended to this Reply is a description, in German, and associated photographs of a measurement device such as that forming the subject matter of this application. It is apparent from the photographs that the hemispherical or partially spherical shells vary in cross sectional dimensions for use with different holes.

This Reply is filed in response to the Office Action dated March 13, 2006.

Claims 1, 3-6, and 8-10 remain in this application. Claims 2 and 7 were previously canceled. Reconsideration of the application is respectfully requested.

Independent claims 1 and 6 are rejected as unpatentable over newly cited U.S. Patent 4,265,002 to Hosken in view of newly cited U.S. Patent 2,650,516 to Poupitch. Reconsideration is requested.

The Hosken patent discloses several magnetic fastener embodiments. The embodiment relied on by the Examiner in the rejection includes a first fastening member 6 having a first thermoplastic support cup 10 and a second fastening

member 8 having a second thermoplastic support cup 34. Thermoplastic strips 2 and 4 are releasably secured together by annular magnets 30 and 52 and ferromagnetic plates 20 and 43 so as to be movable between the open or separated relation shown in Figure 2 and the closed relation shown in Figure 3. As described in lines 5-10 in column 5, a ferromagnetic post 26 is drawn into engagement with a surface 44 of the ferromagnetic plate 43, thereby avoiding both squeezing needed to engage snaps and push-pull forces needed to engage buttons. In the third full paragraph in section 2 on page 2 of the Office Action, the Examiner acknowledges that the Hosken post 26 is not a spike, that the Hosken cup 10 or 34 is not essentially hemispherical or partially spherical, and that the Hosken thermoplastic strips 2, 4 are not body parts of a motor vehicle.

The Examiner's discussion of the Poupitch patent, which discloses a dash liner clip adapted to secure layers or panels 44 and 46 of rigid materials to opposite sides of an intervening compressible material 48, is noted. Nothing in the Poupitch patent disclosure indicates that the Poupitch head 26 "is made smooth in order to be more aerodynamic," however, and nothing suggests that the fastening means forming the subject matter of the Hosken patent has any requirements for improved aerodynamic properties, and the Examiner's proposal to modify the shape of the Hosken support cup 10 "in order to be more aerodynamic" is completely inappropriate.

The Examiner further proposes to shape the ferromagnetic post 26 of the Hosken arrangement "with a pointed end in order to be more easily inserted into the hole." Insertion of the Hosken post 26 into apertures 5 and 9, however, is already facilitated by sloped magnet edges, e.g. edge 57 of the magnet 52, as is

apparent from lines 37-46 in column 4 of the Hosken patent, and nothing in either of the patent disclosures relied on by the Examiner in any way suggests that insertion with Hosken post 26 as originally shaped is in any way inadequate or that providing the Hosken post 26 with a pointed end would be a preferable or even operable alternative to the flat Hosken post end 29.

Finally the Examiner additionally proposes to "use the device disclosed by Hosken to fasten vehicle parts ...since this is an alternative type of fastening means to keep any two articles together." However, as lines 27-33 in column 4 of the Poupitch patent describe, once inserted in the work piece assembly, the Poupitch dash liner clip locks itself in position and cannot be removed without application of considerable force. The Poupitch dash liner clip thus operates in a completely different way than the Hosken magnetic fastening means, and nothing in the disclosures relied on by the Examiner suggests that the easily releasable magnetic fastening means forming the subject matter of the Hosken patent is an acceptable alternative to the Poupitch clip.

It is respectfully submitted that the rejection of claims 1 and 6 based on the Hosken and Poupitch patents is inappropriate for reasons discussed above and should be withdrawn. Claims 3 and 4 are rejected as unpatentable "over Hosken & Poupitch as applied to claims 1 & 6 above..." while claims 5 and 8-10 are rejected as unpatentable "over Hosken, Poupitch, & Hall as applied to claims 3 & 4 above...." Claims 3-5 and 8-10 are therefore inappropriately rejected for the same reasons as claims 1 and 6, and the rejections of these claims should be withdrawn as well.

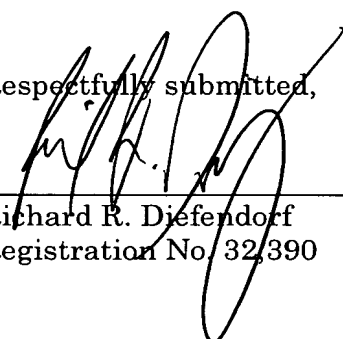
Neither the Hosken patent nor the Poupitch patent describes a device for determining or measuring a position of a hole in a motor vehicle body part. The primary idea of the present invention is not to fasten an element on a body part surface for an extended period of time. Instead, the primary idea of the present invention is to measure the position of a hole. Such measurement is necessary, for example, for a quality check during vehicle body shell production. After measurement, the device is removed from the surface to which it is applied.

If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038738.49355).

Date: July 6, 2006

Respectfully submitted,



Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:rd